

Exhibit “A”

Electronically Filed by Superior Court of California, County of Orange, 10/08/2021 12:26:00 PM.
30-2021-01224357-CU-PO-CJC - ROA # 9 - DAVID H. YAMASAKI, Clerk of the Court By Mauricio Luna, Deputy Clerk.

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Costco Wholesale Corporation, Does 1 to 10

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Daniel Rivera, Maria Rivera

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): The Superior Court of California - County of Orange, Central Justice Center, 700 Civic Drive West, Santa Ana, CA 92701

CASE NUMBER: (Número del Caso):

30-2021-01224357-CU-PO-CJC

Judge Derek W. Hunt

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Howard A. Levy, Esq., 18321 Ventura Blvd., Suite 755, Tarzana, CA 91356, (818) 881-2923

DATE:

(Fecha) 10/08/2021

DAVID H. YAMASAKI, Clerk of the Court

Clerk, by

(Secretario)

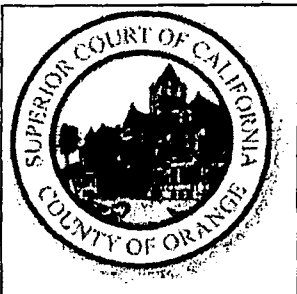
Mauricio Luna

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Mauricio Luna



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
 under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

FOR COURT USE ONLY	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Howard Allen Levy, Esq. SBN 49599 18321 Ventura Blvd, Suite 755 Tarzana, Ca 91356</p> <p>TELEPHONE NO: 818.881.2923 FAX NO. (Optional): 818.938.9637</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): Daniel Rivera, Maria Rivera</p>	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</p> <p>STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, Ca 92701 BRANCH NAME: Central Justice Center</p>	
<p>PLAINTIFF: Daniel Rivera, Maria Rivera DEFENDANT: Costco Wholesale Corporation</p> <p><input checked="" type="checkbox"/> DOES 1 TO 10</p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Slip & Fall</p> <p><input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death</p> <p><input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p>Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p><input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited</p>	

CASE NUMBER:
30-2021-01224357-CU-PO-CJC

Assigned for All Purposes
Judge Derek W. Hunt

- ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

Daniel Rivera, Maria Rivera vs. Costco Wholesale Corporation, Does 1 to 10

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person.
- a. ☒ except defendant (name): Costco Wholesale Corporation. c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☒ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☐ other (specify):
- b. ☐ except defendant (name): d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☐ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
b. ☒ Doe defendants (specify Doe numbers): 6 to 10 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):
9. ☒ Plaintiff is required to comply with a claims statute, and
- a. ☒ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Daniel Rivera, Maria Rivera vs. Costco Wholesale Corporation, Does 1 to 10

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☐ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 10.04.2021

Howard Allen Levy, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 [Rev. January 1, 2007]

**COMPLAINT—Personal Injury, Property
Damage, Wrongful Death**

Page 3 of 3

PLD-PI-001(2)

SHORT TITLE:

Daniel Rivera, Maria Rivera vs. Costco Wholesale Corporation, Et Al.

CASE NUMBER:

First

CAUSE OF ACTION—General NegligencePage 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Daniel Rivera, Maria Rivera

alleges that defendant (name): Costco Wholesale Corporation, Et Al.

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 10.05.2019

at (place): Costco Wholesale Corporation

(description of reasons for liability):

As Mr. Rivera was entering the testing booth, Mr. Rivera caught his cane on a wrinkle in the carpeting of the testing office causing him to fall forward, his wife Mrs. Rivera tried to break his fall and also fell down. Mr. Rivera was stuck in such a position- between the wall and the testing chair, with his cane underneath him and could not move.

Page 1 of 1

PLD-PI-001(4)

SHORT TITLE: Daniel Rivera, Maria Rivera vs. Costco Wholesale Corporation, Does 1 to 10	CASE NUMBER:
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2

(number)

CAUSE OF ACTION—Premises Liability

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1.(name): Daniel Rivera, Maria Rivera

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 10.05.2019

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

As Mr. Rivera was entering the testing booth, Mr. Rivera caught his cane on a wrinkle in the carpeting of the testing office causing him to fall forward, his wife Mrs. Maria Rivera tried to break his fall and also fell down. Mr. Rivera was stuck in such a position- between the wall and the testing Chair with his cane underneath him and could not move.

Prem.L-2. ☐ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

☐ Does _____ to _____

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5.a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☐ Does _____ to _____

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

Page 1 of 1

18321 Ventura Blvd, Suite 755

TELEPHONE NO.: 818.881.2923

FAX NO. (Optional): 818.938.9637

E-MAIL ADDRESS:

ATTORNEY FOR (Name): Daniel Rivera, Maria Riera

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange

STREET ADDRESS: 700 Civic Center Drive West

MAILING ADDRESS:

CITY AND ZIP CODE: Santa Ana, Ca 92701

BRANCH NAME: Central Justice Center

CASE NAME:

Daniel Rivera, Maria Rivera vs. Costco Wholesale Corporation, Does 1 to 10

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☒ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 2

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: 10.04.2021

Howard Allen Levy, Esq.

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

EXHIBIT A 000000

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**CM-010**

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint RICO (27)

Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 W. Civic Center DRIVE MAILING ADDRESS: 700 W. Civic Center Drive CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: Central Justice Center	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE Oct 5, 2021 Clerk of the Court By: Briana Jurado, Deputy
PLAINTIFF: Daniel Rivera et.al.	
DEFENDANT: Costco Wholesale Corporation	
Short Title: RIVERA VS. COSTCO WHOLESALE CORPORATION	CASE NUMBER: 30-2021-01224357-CU-PO-CJC
NOTICE OF HEARING CASE MANAGEMENT CONFERENCE	

Please take notice that a(n), Case Management Conference has been scheduled for hearing on 04/04/2022 at 08:30:00 AM in Department C23 of this court, located at Central Justice Center.

Plaintiff(s)/Petitioner(s) to provide notice to all defendant(s)/respondent(s). Parties who file pleadings that add new parties to the proceeding must provide notice of the Case Management Conference to the newly added parties.

IMPORTANT: Prior to your hearing date, please check the Court's website for the most current instructions regarding how to appear for your hearing and access services that are available to answer your questions.

Civil Matters - <https://www.occourts.org/media-relations/civil.html>

Probate/Mental Health - <https://www.occourts.org/media-relations/probate-mental-health.html>

IMPORTANTE: Antes de la fecha de su audiencia, visite el sitio web de la Corte para saber cuáles son las instrucciones más actuales para participar en la audiencia y tener acceso a los servicios disponibles para responder a sus preguntas.

Casos Civiles - <https://www.occourts.org/media-relations/civil.html>

Casos de Probate y Salud Mental - <https://www.occourts.org/media-relations/probate-mental-health.html>

QUAN TRONG: Trước ngày phiên tòa của quý vị, vui lòng kiểm tra trang mạng của tòa án để biết những hướng dẫn mới nhất về cách ra hầu phiên tòa của quý vị và tiếp cận những dịch vụ hiện có để giải đáp những thắc mắc của quý vị.

Vấn Đề Dân Sự - <https://www.occourts.org/media-relations/civil.html>

Thủ Tục Di Chúc/Sức Khỏe Tinh Thần - <https://www.occourts.org/media-relations/probate-mental-health.html>

Clerk of the Court, By: Briana Jurado, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center DRIVE
Santa Ana 92701

SHORT TITLE: RIVERA VS. COSTCO WHOLESALE CORPORATION**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

CASE NUMBER:

30-2021-01224357-CU-PO-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Notice of Hearing has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practices and addressed as indicated below. The certification occurred at Santa Ana, California, on 10/05/2021. Following standard court practice the mailing will occur at Sacramento, California on 10/06/2021.

Clerk of the Court, by:

Brianna Jurado

, Deputy

HOWARD A LEVY
18321 VENTURA BOULEVARD # 755
TARZANA, CA 91356

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Page: 2

Exhibit “B”

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel Nelson, Esq. SBN 146470/ Silvio Natale, Esq. SBN 124076 NELSON & NATALE, LLP 13144 Prairie Ave. Hawthorne, CA 90250 TELEPHONE NO.: (310) 641-8300 FAX NO. (Optional): (310) 641-4932 E-MAIL ADDRESS (Optional): nelson.natale@yahoo.com ATTORNEY FOR (Name): Plaintiffs: Daniel Rivera; Maria Rivera		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive MAILING ADDRESS: 700 Civic Center Drive CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
PLAINTIFF/PETITIONER: Daniel Rivera; Maria Rivera DEFENDANT/RESPONDENT: Costco Wholesale Corporation		CASE NUMBER: 30-2021-01224357-CU-PO-CJC
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Substitution of Attorney; Notice of CMC; Case Management Statement
3. a. Party served (specify name of party as shown on documents served):
Costco Wholesale Corporation
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
CT Corporation System, Agent for Service of Process, Entity No. C0168406 ☒ John Montijo
4. Address where the party was served:
330 N Brand Blvd., Glendale, CA 91203
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 04/04/2022 (2) at (time): 7:32 a.m.
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

POS-010

PLAINTIFF/PETITIONER: Daniel Rivera; Maria Rivera	CASE NUMBER:
DEFENDANT/RESPONDENT: Costco Wholesale Corporation	30-2021-01224357-CU-PO-CJC

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): Costco Wholesale Corporation
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Misty Angulo
- b. Address: 13144 Prairie Ave. Hawthorne, CA 90250
- c. Telephone number: (310) 641-8300
- d. The fee for service was: \$ 0.00
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 04/04/2022

Misty Angulo

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

Exhibit “C”

DEBORAH S. TROPP, ESQ. – BAR NO. 162613
LAUREN E. RAYA, ESQ. – BAR NO. 322697
MCNEIL, TROPP & BRAUN, LLP
2 Park Plaza, Suite 620
Irvine, California 92614
(949) 259-2890; Fax: (949) 259-2891
dtropp@mtbattorneys.com; lraya@mtbattorneys.com

Attorneys for Defendant COSTCO WHOLESALE CORPORATION

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DANIEL RIVERA; MARIA RIVERA,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION; and
DOES 1 to 10,

Defendants.

CASE NO. 30-2021-01224357-CU-PO-CJC
UNLIMITED CIVIL CASE

ASSIGNED FOR ALL PURPOSES TO:
JUDGE DEREK W. HUNT
DEPARTMENT C23

**DEFENDANT COSTCO WHOLESALE
CORPORATION'S ANSWER TO
COMPLAINT**

COMPLAINT FILED: October 4, 2021

COMES NOW Defendant, COSTCO WHOLESALE CORPORATION
("Answering Defendant"), in its Answer to the unverified Complaint filed by Plaintiffs, DANIEL
RIVERA and MARIA RIVERA (collectively, "Plaintiffs"), admits, denies and alleges as follows:

GENERAL DENIAL

1. By virtue of and pursuant to the provisions of the California Code of Civil
Procedure section 431.30, Answering Defendant both generally and specifically denies each and
every allegation contained in said unverified Complaint, and each and every part thereof, and each
and every cause of action therein, and further specifically denies that Plaintiffs have been injured
or damaged in the sum alleged, or in any other sum, or at all, by reason of any carelessness,
negligence, act or omission of Answering Defendant.

1 **FIRST AFFIRMATIVE DEFENSE**

2 2. As a first and separate affirmative defense to each cause of action asserted against
3 it, Answering Defendant alleges that each of the causes of action alleged against it fails to state
4 facts sufficient to constitute a cause or causes of action against Answering Defendant.

5 **SECOND AFFIRMATIVE DEFENSE**

6 3. As a second and separate affirmative defense to each cause of action asserted
7 against it, Answering Defendant alleges that third parties were careless and negligent in and about
8 the matters alleged in the Complaint, and that said carelessness and negligence on the part of said
9 third parties proximately contributed to the happening of the subject incident and to Plaintiffs'
10 injuries, losses and/or damages, if any, allegedly sustained. Therefore, any damages awarded to
11 Plaintiffs shall be diminished in proportion to the amount of fault attributed to said third parties.

12 **THIRD AFFIRMATIVE DEFENSE**

13 4. As a third and separate affirmative defense to each cause of action asserted against
14 it, Answering Defendant alleges that Plaintiffs were careless and negligent in and about the matters
15 alleged in the Complaint, and that said carelessness and negligence on the part of the Plaintiffs
16 proximately contributed to the happening of the incident and to Plaintiffs' injuries, losses and/or
17 damages, if any, allegedly sustained. Therefore, any damages awarded to Plaintiffs shall be
18 diminished in proportion to the amount of fault attributed to Plaintiffs.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 5. As a fourth and separate affirmative defense to each cause of action asserted against
21 it, Answering Defendant alleges that should Answering Defendant be found liable to Plaintiffs,
22 based upon any theory or cause of action contained in the Complaint, Answering Defendant shall,
23 in relation to non-economic damages pursuant to Civil Code Section 1431.2, be liable only for the
24 amount of non-economic damages allocated to Answering Defendant, in direct proportion to
25 Answering Defendant's percentage of fault, as determined by the trier of fact, and Answering
26 Defendant is entitled to and shall request, a separate judgment to be rendered against Answering
27 Defendant, setting forth said amount.

28 ///

FIFTH AFFIRMATIVE DEFENSE

6. As a fifth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that the Complaint, and each alleged cause of action appearing therein, fails to state facts, or to allege claims, which would impose joint and several liability for any of the damages claimed by any party against Answering Defendant. Any liability of Answering Defendant, which liability is expressly denied, would therefore be limited to those injuries, losses or damages, if there were any, for which Answering Defendant's actionable conduct, if any, was a primary contributing factor.

SIXTH AFFIRMATIVE DEFENSE

7. As a sixth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that Plaintiffs could have, by the exercise of reasonable diligence, limited or prevented their damages, if any, as a result of the incident and/or transactions alleged in the Complaint and that Plaintiffs have failed or refused to do so. Such failure or refusal on the part of Plaintiffs constitutes a failure to mitigate their damages, and any recovery thereof must be diminished or barred by reason thereof.

SEVENTH AFFIRMATIVE DEFENSE

8. As a seventh and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that the tortious conduct of Plaintiffs and/or others were active and primary compared to the conduct of Answering Defendant, if any, which was passive and secondary. Answering Defendant denies any conduct that was a substantial factor in causing any injury or damages to Plaintiffs.

EIGHTH AFFIRMATIVE DEFENSE

9. As an eighth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that this action is barred by the applicable statute(s) of limitation, to wit, by the provisions of the Code of Civil Procedure and all other applicable statutory and decisional limitations of actions, including, but not limited to Code of Civil Procedure Sections 335.1, 337, 337.1, 337.15, 338, 338(1), 338(2), 338(4), 339, 340(3) and/or 343, 583.10 and 583.420, in that Plaintiffs have failed to diligently prosecute said action.

NINTH AFFIRMATIVE DEFENSE

10. As a ninth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that any recovery by Plaintiffs shall be barred or reduced by any amounts received or receivable as Workers' Compensation Benefits and any lien or action for recovery of Workers' Compensation Benefits shall be barred or reduced in proportion to the negligence of Plaintiffs' employers, co-employees and their respective agents.

TENTH AFFIRMATIVE DEFENSE

11. As a tenth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that any injuries, damages or losses, if any, sustained by the Plaintiffs herein were proximately caused and contributed to by negligence on their part, in that they did not exercise ordinary care on their behalf at the time and place set forth in the Complaint, and that such negligence is imputed to Plaintiffs herein.

ELEVENTH AFFIRMATIVE DEFENSE

12. As an eleventh and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that all of the risks and dangers involved in the undertaking in which Plaintiffs were engaged at the time and place alleged, were well known to, understood and appreciated by Plaintiffs, who knowingly understood and assumed all risks involved in such undertaking.

TWELFTH AFFIRMATIVE DEFENSE

13. As a twelfth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges that the negligence alleged in the Complaint was not a substantial factor in bringing about the alleged injuries and, therefore, was not a contributing cause, but was superseded by an event that was an independent, intervening, sole and proximate cause of any alleged injury or damage.

THIRTEENTH AFFIRMATIVE DEFENSE

14. As a thirteenth and separate affirmative defense to each cause of action asserted against it, Answering Defendant alleges, on information and belief, that Plaintiffs are not proper parties herein and/or lack capacity and/or standing to bring this action, or some of the causes of

1 action, for damages alleged herein.

2 **FOURTEENTH AFFIRMATIVE DEFENSE**

3 15. For a fourteenth affirmative defense to each and every cause of action alleged
4 against it, Answering Defendant alleges that it exercised reasonable care in inspecting its premises
5 and it was neither on actual nor constructive notice of the alleged dangerous condition, as the
6 alleged dangerous condition did not exist for any period of time that it should have been discovered
7 upon reasonable inspection of the premises. Thus, Answering Defendant is not liable, as it fulfilled
8 its duty of care.

9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 16. For a fifteenth affirmative defense to each and every cause of action alleged against
11 it, Answering Defendant alleges, as to each cause of action, that at the time of the accident alleged
12 in the Complaint, the claimed dangerous condition was open and obvious and known or should
13 have been known to Plaintiffs.

14 **SIXTEENTH AFFIRMATIVE DEFENSE**

15 17. For a sixteenth affirmative defense to each and every cause of action alleged against
16 it, Answering Defendant alleges, as to each cause of action, that if it had a duty to warn, which
17 allegation is expressly denied, this Answering Defendant at all times fulfilled its alleged duty to
18 warn of the alleged risk associated with the subject property.

19 **SEVENTEENTH AFFIRMATIVE DEFENSE**

20 18. For a seventeenth affirmative defense to each and every cause of action alleged
21 against it, Answering Defendant alleges that the alleged condition of the property set forth in the
22 Complaint did not create a substantial risk of injury but, if any risk existed at all, it constituted
23 merely a minor, trivial or insignificant risk that did not create a dangerous condition on the property
24 and, therefore, this Answering Defendant is not liable for the damages alleged in the Complaint.

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1 **WHEREFORE**, Answering Defendant prays that the Plaintiffs take nothing by way of
2 their Complaint, and for such other and further relief as this Court may deem just and proper,
3 including costs of suit incurred herein.

4 DATED: May 4, 2022

McNEIL TROPP & BRAUN LLP

5
6 By: 

DEBORAH S. TROPP
LAUREN E. RAYA
Attorneys for Defendant COSTCO
WHOLESALE CORPORATION

C.C.P. §1013a, C.R.C. 2.301(3), 2.306

DEFENDANT COSTCO WHOLESALE CORPORATION'S ANSWER TO COMPLAINT

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SERVICE LIST

RIVERA v. COSTCO
OUR FILE NO.: 4700-99

Daniel Nelson, Esq. Nelson & Natale, LLP 13144 Prairie Avenue Hawthorne, California 90250	Attorneys for Plaintiffs DANIEL RIVERA and MARIA RIVERA (310) 641-8300 Fax: (310) 641-4932 Nelson.Natale@Yahoo.com
--	---

DEBORAH S. TROPP, ESQ. – BAR NO. 162613
LAUREN E. RAYA, ESQ. – BAR NO. 322697
MCNEIL, TROPP & BRAUN, LLP
2 Park Plaza, Suite 620
Irvine, California 92614
(949) 259-2890; Fax: (949) 259-2891
dtropp@mtbattorneys.com; lraya@mtbattorneys.com

Attorneys for Defendant COSTCO WHOLESALE CORPORATION

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DANIEL RIVERA; MARIA RIVERA,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION; and
DOES 1 to 10,

Defendants.

CASE NO. 30-2021-01224357-CU-PO-CJC
UNLIMITED CIVIL CASE

ASSIGNED FOR ALL PURPOSES TO:
JUDGE DEREK W. HUNT
DEPARTMENT C23

DECLARATION OF TRIAL ATTORNEY

COMPLAINT FILED: October 4, 2021

I, Deborah S. Tropp, declare and state as follows:

1. I am an attorney at law duly admitted to practice before all the Courts of the State of California. I am an attorney with the law firm of McNeil Tropp & Braun LLP, counsel of record for Defendant, COSTCO WHOLESALE CORPORATION.

2. When this matter was assigned to this law firm, it was assigned to this declarant for all purposes, including trial.

3. This declarant and no other attorney in this firm is currently or will be available and prepared to try this case.

///

///

1 4. That defendant has specifically requested that I be its trial attorney and they will
2 consent to no other.

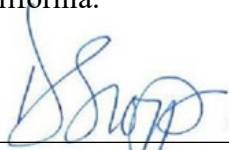
3 5. I am making this declaration pursuant to California Rules of Court, Rule 3.1332 (c)
4 (Grounds for Continuance) and (d) (Other Factors to Be Considered). Specifically, Rule 3.1332
5 (d) 8, which requires the Court to consider, whether trial counsel is engaged in another trial if
6 presented with a request to continue the trial in this action.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9 Executed this 4th day of May, 2022, at Irvine, California.

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Deborah S. Tropp, Declarant

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PROOF OF SERVICE

C.C.P. §1013a, C.R.C. 2.301(3), 2.306

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I am employed in the aforesaid County, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2 Park Plaza, Suite 620, Irvine, California 92614.

On May 4, 2022, I served the foregoing document described as **DECLARATION OF TRIAL ATTORNEY** on the interested parties in this action by:

Placing ____ the original X a true copy thereof, enclosed in a sealed envelope, addressed as follows on the attached SERVICE LIST.

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

BY FACSIMILE TRANSMISSION: From FAX No. (949) 259-2891 the facsimile number(s) and addressee(s) stated on the attached SERVICE LIST. The facsimile machine I used complied with Rule 2.301(3), and no error was reported by the machine. Pursuant to Rule 2.306(h), I caused the machine to print a record of the transmission and attached it to the document contained in our file, a copy of which is available upon request.

_____ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices of the addressee.

✓ **BY ELECTRONIC TRANSMISSION ONLY:** Service is completed by e-mail of the document(s) to the person at the e-mail address(es) listed on the attached service list, based on notice provided on March 18, 2020 that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore only using electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after transmission.

BY FEDERAL EXPRESS: I caused a courtesy copy of the aforementioned document to be delivered by overnight mail via Federal Express to the representatives on the attached Service List.

√ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

_____ **FEDERAL:** I declare under penalty of perjury in accordance with 28 U.S.C. Section 1746 that the foregoing is true and correct.

Executed on May 4, 2022, at Irvine, California.

Danielle Stolar

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SERVICE LIST

RIVERA v. COSTCO
OUR FILE NO.: 4700-99

Daniel Nelson, Esq. Nelson & Natale, LLP 13144 Prairie Avenue Hawthorne, California 90250	Attorneys for Plaintiffs DANIEL RIVERA and MARIA RIVERA (310) 641-8300 Fax: (310) 641-4932 Nelson.Natale@Yahoo.com
--	---

DEBORAH S. TROPP, ESQ. – BAR NO. 162613
LAUREN E. RAYA, ESQ. – BAR NO. 322697
MCNEIL, TROPP & BRAUN, LLP
2 Park Plaza, Suite 620
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dtropp@mtbattorneys.com; lraya@mtbattorneys.com

Attorneys for Defendant COSTCO WHOLESALE CORPORATION

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DANIEL RIVERA; MARIA RIVERA,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION; and
DOES 1 to 10,

Defendants.

CASE NO. 30-2021-01224357-CU-PO-CJC
UNLIMITED CIVIL CASE

ASSIGNED FOR ALL PURPOSES TO:
JUDGE DEREK W. HUNT
DEPARTMENT C23

**DEFENDANT COSTCO WHOLESALE
CORPORATION'S DEMAND FOR A
JURY TRIAL**

COMPLAINT FILED: October 4, 2021

COMES NOW Defendant, COSTCO WHOLESALE CORPORATION, hereby requests a
jury trial in the above-entitled action.

DATED: May 4, 2022

McNEIL TROPP & BRAUN LLP

By: 

DEBORAH S. TROPP
LAUREN E. RAYA
Attorneys for Defendant COSTCO
WHOLESALE CORPORATION

C.C.P. §1013a, C.R.C. 2.301(3), 2.306

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SERVICE LIST

RIVERA v. COSTCO
OUR FILE NO.: 4700-99

Daniel Nelson, Esq. Nelson & Natale, LLP 13144 Prairie Avenue Hawthorne, California 90250	Attorneys for Plaintiffs DANIEL RIVERA and MARIA RIVERA (310) 641-8300 Fax: (310) 641-4932 Nelson.Natale@Yahoo.com
--	---

Exhibit “D”

CIV-050

- DO NOT FILE WITH THE COURT -**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Silvio Natale, Esq. / Daniel Nelson, Esq. LAW OFFICES OF NELSON & NATALE, LLP 13144 Prairie Ave. Hawthorne, CA 90250 ATTORNEY FOR (name): Daniel Rivera; Maria Rivera		TELEPHONE NO.: (310)641-8300	FOR COURT USE ONLY CASE NUMBER: 30-2021-01224357-CU-PO-CJC
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center			
PLAINTIFF: Daniel Rivera; Maria Rivera DEFENDANT: Costco Wholesale Corporation			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): Costco Wholesale Corporation

Plaintiff (name of one plaintiff only): Daniel Rivera

seeks damages in the above-entitled action, as follows:

1. General damages

AMOUNT

- a. ☒ Pain, suffering, and inconvenience \$ 1,000,000.00
- b. ☒ Emotional distress \$ Accord To Proof
- c. ☐ Loss of consortium \$
- d. ☐ Loss of society and companionship (wrongful death actions only) \$
- e. ☐ Other (specify) \$
- f. ☐ Other (specify) \$
- g. ☐ Continued on Attachment 1.g.

2. Special damages

- a. ☒ Medical expenses (to date) \$ Accord To Proof
- b. ☒ Future medical expenses (present value) \$ Accord To Proof
- c. ☐ Loss of earnings (to date) \$
- d. ☒ Loss of future earning capacity (present value) \$ Accord To Proof
- e. ☐ Property damage \$
- f. ☐ Funeral expenses (wrongful death actions only) \$
- g. ☐ Future contributions (present value) (wrongful death actions only) \$
- h. ☐ Value of personal service, advice, or training (wrongful death actions only) \$
- i. ☐ Other (specify) \$
- j. ☐ Other (specify) \$
- k. ☐ Continued on Attachment 2.k.

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____ when pursuing a judgment in the suit filed against you.

Date: 8/16/2022

SILVIO NATALE, ESQ.

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

CIV-050

- DO NOT FILE WITH THE COURT -**-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Silvio Natale, Esq. / Daniel Nelson, Esq. LAW OFFICES OF NELSON & NATALE, LLP 13144 Prairie Ave. Hawthorne, CA 90250 ATTORNEY FOR (name): Daniel Rivera; Maria Rivera		TELEPHONE NO.: (310)641-8300	FOR COURT USE ONLY CASE NUMBER: 30-2021-01224357-CU-PO-CJC
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center			
PLAINTIFF: Daniel Rivera; Maria Rivera DEFENDANT: Costco Wholesale Corporation			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): Costco Wholesale Corporation

Plaintiff (name of one plaintiff only): Maria Rivera

seeks damages in the above-entitled action, as follows:

1. General damages

AMOUNT

- a. ☒ Pain, suffering, and inconvenience \$ 1,000,000.00
- b. ☒ Emotional distress \$ Accord To Proof
- c. ☐ Loss of consortium \$
- d. ☐ Loss of society and companionship (wrongful death actions only) \$
- e. ☐ Other (specify) \$
- f. ☐ Other (specify) \$
- g. ☐ Continued on Attachment 1.g.

2. Special damages

- a. ☒ Medical expenses (to date) \$ Accord To Proof
- b. ☒ Future medical expenses (present value) \$ Accord To Proof
- c. ☒ Loss of earnings (to date) \$ Accord To Proof
- d. ☒ Loss of future earning capacity (present value) \$ Accord To Proof
- e. ☐ Property damage \$
- f. ☐ Funeral expenses (wrongful death actions only) \$
- g. ☐ Future contributions (present value) (wrongful death actions only) \$
- h. ☐ Value of personal service, advice, or training (wrongful death actions only) \$
- i. ☐ Other (specify) \$
- j. ☐ Other (specify) \$
- k. ☐ Continued on Attachment 2.k.

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____
 when pursuing a judgment in the suit filed against you.

Date: 8/16/2022

SILVIO NATALE, ESQ.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

Exhibit “E”

Request
Certificate

<i>Initial Filing Date</i>	06/05/1987
<i>Status</i>	Active
<i>Standing - SOS</i>	Good
<i>Standing - FTB</i>	Good
<i>Standing - Agent</i>	Good
<i>Standing - VCFCF</i>	Good
<i>Formed In</i>	WASHINGTON
<i>Entity Type</i>	Stock Corporation - Out of State - Stock
<i>Principal Address</i>	999 LAKE DRIVE ISSAQUAH, WA 98027
<i>Mailing Address</i>	P.O. BOX 35005 SEATTLE, WA 98124
 <i>Statement of Info Due Date</i>	06/30/2022
<i>Agent</i>	1505 Corporation 112 C T CORPORATION SYSTEM 330 N BRAND BLVD STE 700 GLENDALE, CA 91203

Exhibit “F”

DEBORAH S. TROPP, ESQ. – BAR NO. 162613
LAUREN E. RAYA, ESQ. – BAR NO. 322697
MCNEIL, TROPP & BRAUN, LLP
2 Park Plaza, Suite 620
Irvine, California 92614
(949) 259-2890; Fax: (949) 259-2891
dtropp@mtbattorneys.com; lraya@mtbattorneys.com

Attorneys for Defendant COSTCO WHOLESALE CORPORATION

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DANIEL RIVERA; MARIA RIVERA,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION; and
DOES 1 to 10,

Defendants.

CASE NO. 30-2021-01224357-CU-PO-CJC
UNLIMITED CIVIL CASE

ASSIGNED FOR ALL PURPOSES TO:
JUDGE DEREK W. HUNT
DEPARTMENT C23

**DEFENDANT'S NOTICE TO
ADVERSE PARTIES OF REMOVAL
OF CASE TO FEDERAL COURT
UNDER 28 U.S.C § 1441 (a) (DIVERSITY)**

COMPLAINT FILED: October 4, 2021

**TO THE COURT, TO PLAINTIFFS, DANIEL RIVERA AND MARIA RIVERA,
AND TO THEIR COUNSEL OF RECORD:**

NOTICE IS HEREBY GIVEN that Defendant, COSTCO WHOLESALE CORPORATION, a Washington Corporation, has filed a Notice of Removal of the above-captioned action, a copy of which is attached hereto (without exhibits), with the United States District Court for the Central District of California, Southern Division.

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1 **PLEASE TAKE FURTHER NOTICE** that pursuant to 28 U.S.C. § 1446(d) the filing
2 of said Notice in the United States District Court, together with the filing of said Notice with this
3 Court, effects the removal of this action and the above-captioned Court may proceed no further
4 unless and until the case has been remanded.

5 DATED: August 30, 2022

McNEIL TROPP & BRAUN LLP

6
7 By: 

8 DEBORAH S. TROPP
9 LAUREN E. RAYA
Attorneys for Defendant COSTCO
10 WHOLESALE CORPORATION
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PROOF OF SERVICE

C.C.P. §1013a, C.R.C. 2.301(3), 2.306

STATE OF CALIFORNIA)
) ss.
 COUNTY OF ORANGE)

I am employed in the aforesaid County, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2 Park Plaza, Suite 620, Irvine, California 92614.

On August 30, 2022, I served the foregoing document described as **DEFENDANT'S NOTICE TO ADVERSE PARTIES OF REMOVAL OF CASE TO FEDERAL COURT UNDER 28 U.S.C § 1441 (a) (DIVERSITY)** on the interested parties in this action by:

Placing the original X a true copy thereof, enclosed in a sealed envelope, addressed as follows on the attached SERVICE LIST.

 BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

 BY FACSIMILE TRANSMISSION: From FAX No. (949) 259-2891 the facsimile number(s) and addressee(s) stated on the attached SERVICE LIST. The facsimile machine I used complied with Rule 2.301(3), and no error was reported by the machine. Pursuant to Rule 2.306(h), I caused the machine to print a record of the transmission and attached it to the document contained in our file, a copy of which is available upon request.

 BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the offices of the addressee.

 ✓ **BY ELECTRONIC TRANSMISSION ONLY:** Service is completed by e-mail of the document(s) to the person at the e-mail address(es) listed on the attached service list, based on notice provided on March 18, 2020 that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore only using electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after transmission.

 BY FEDERAL EXPRESS: I caused a courtesy copy of the aforementioned document to be delivered by overnight mail via Federal Express to the representatives on the attached Service List.

 ✓ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 30, 2022, at Irvine, California.



 Danielle Stolar

SERVICE LIST

RIVERA v. COSTCO
OUR FILE NO.: 4700-99

Daniel Nelson, Esq. Nelson & Natale, LLP 13144 Prairie Avenue Hawthorne, California 90250	Attorneys for Plaintiffs DANIEL RIVERA and MARIA RIVERA (310) 641-8300 Fax: (310) 641-4932 Nelson.Natale@Yahoo.com
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